

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION

ORIGINAL
FILE

In the Matter of)
) CC Docket No. 92-141
GTE Telephone Operating Companies)
Revisions to Tariff F.C.C. No. 1)

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FEDERAL COMMUNICATIONS COMMISSION
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MOTION FOR EXTENSION OF TIME

The Association for Local Telecommunications Services ("ALTS"), by its undersigned counsel and pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, hereby respectfully requests an extension of time for filing comments in the above-captioned proceeding.

ALTS is the national trade association for providers of competitive access services, most of whom compete directly against the GTE Telephone Operating Companies ("GTE") and/or other dominant local exchange carriers. ALTS submitted the comments opposing GTE's 1992 annual access filing that precipitated the instant investigation, and ALTS members will be directly and critically affected by the outcome of this proceeding.

ALTS seeks an extension of time for filing comments on GTE's direct case from the currently scheduled date of August 10, 1992 for the following reasons:

In the 1992 Access Order,^{1/} the Commission required GTE to provide detailed cost data to support its proposed

^{1/} 1992 Annual Access Tariff Filings, Memorandum and Order Suspending Rates and Designating Issues for Investigation, CC Docket No. 92-141, DA 92-841 (released June 22, 1992) (1992 Access Order).

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dramatic reductions in switched transport rates: "full incremental cost studies . . . are required to evaluate the reasonableness of the filing, e.g., the type and cost of equipment used to provide transport and the amount of usage of the equipment."^{2/} The Commission required GTE to file its direct case on July 27, and required that comments on the direct case be filed by August 10.

When GTE filed its direct case on August 27, it sought proprietary treatment for its incremental cost data, and as a result, only a "sanitized" version that contained summarized data was made available to the public. As stated in the cover letter accompanying the direct case, GTE's position on disclosing its full cost data to interested parties was ambiguous -- GTE argued that its data is proprietary and should not be made available to the public, but at the same time provided a nondisclosure form, and stated that it will provide the data to parties that submit a completed form, if the Commission requires. Subsequent to that filing, GTE clarified its position on disclosure of the allegedly proprietary data. On August 3, 1992, a representative of GTE contacted counsel for ALTS and confirmed that GTE would release the data in question upon receiving an executed nondisclosure form.

ALTS strenuously opposes the GTE position. The investigation of GTE's proposed rates initiated in the 1992 Access Order is a notice-and-comment rulemaking proceeding, and

^{2/} Id. at para. 16.

explicitly invites both formal and informal comment by interested parties. The public participation that such a proceeding is designed to promote requires unfettered access to all essential data. Moreover, the Order is unambiguous in its requirement that GTE provide detailed cost and demand data to support its proposed below-band filing. GTE's attempt to restrict -- or to prevent altogether -- the public disclosure of the required cost and demand data is noncompliant with the Commission's Order, and frustrates full and responsible analysis of the GTE filing.

While ALTS objects to GTE's attempt to prevent or restrict access to the data required by the Commission, after conferring with the Commission Staff, ALTS has agreed to submit an executed copy of the form to GTE in an effort to obtain the data in the most expeditious manner possible. Counsel for ALTS submitted an executed nondisclosure form to GTE in person and received a copy of the cost data excluded from GTE's "public" direct case on August 3, 1992 -- the date of this filing.

GTE's failure to make its full cost and demand data publicly available on July 27, 1992 makes it impossible for ALTS to submit its comments on the GTE filing by the August 10 deadline. Indeed, the members of ALTS that need to review and provide substantive input on the GTE filing will not even receive the complete direct case until August 4, 1992. The delay engendered by GTE's claim for proprietary treatment of its direct case therefore reduces the time initially accorded for reviewing and filing comments on the GTE filing from 14 days to five days

(if the weekend is counted). Obviously, this is inadequate time for ALTS to review the data, assess its completeness and accuracy, and draft and file comments thereon.

ALTS respectfully posits that even the 14-day comment period established by the Commission in the 1992 Access Order is too brief to allow meaningful evaluation of the GTE direct case. The investigation initiated in CC Docket No. 92-141 is unique -- the detail required in the Commission's inquiry into GTE's costing and ratemaking practices is unprecedented. In order to provide useful and accurate information in their comments, interested parties must therefore conduct unprecedented analyses of all available relevant cost data.

Moreover, the instant investigation deals with issues and data that are of critical import to other pending Commission proceedings. Specifically, issues concerning LEC rate structures and rate levels for switched services are now being reviewed in CC Docket No. 91-141 and CC Docket No. 91-213. The information collected during the course of the instant investigation of GTE's proposed below-band rate reductions will be immediately relevant to those proceedings. The importance and relevance of the data submitted in the instant proceeding therefore require that interested parties be given the opportunity to provide the most detailed and comprehensive analysis possible.

Moreover, the instant investigation raises significant policy issues. To date, the Commission has not had occasion to define specifically the nature of the cost showing required to

support a below-band filing. The instant investigation therefore requires consideration of issues of economic theory and public policy, and will establish a precedent that likely will govern such filings in the future.

ALTS respectfully submits that the nature of the cost data involved, and the public policy questions at issue, render a 14-day comment period inappropriate. Therefore, ALTS respectfully requests that the Commission extend the deadline for filing comments on the GTE direct case until September 15, 1992.^{3/}

In light of the importance of the issues raised in the instant proceeding, and in light of GTE's recalcitrance, which clearly was not anticipated by the Commission or by interested parties, ALTS respectfully submits that principles of equity, and the public interest in establishing a complete record upon which

^{3/} If the Commission chooses not to grant the requested extension to September 15, ALTS respectfully requests that the Commission at a minimum extend the comment date to August 18, 1992. This date is 14 days from the date that the appropriate members of ALTS physically obtained copies of the complete GTE direct case. ALTS stresses that such a revision of the comment date does not constitute an extension of time -- it merely ensures that ALTS has the full 14-day period initially established by the Commission to review GTE's filing and draft the ALTS comments. Failure to at least adjust the comment date to this extent would allow GTE unilaterally to reduce the notice period established by the Commission by more than half, would render ALTS wholly incapable of preparing a responsible and useful analysis of the GTE filing, and would be grossly inequitable.

the GTE filing can be evaluated, will be served by a grant of the requested extension of time.

Respectfully submitted,

/s/John C. Shapleigh

John C. Shapleigh
President and General Counsel
Association for Local
Telecommunications Services
7536 Forsyth Boulevard, Suite 1240
St. Louis, Missouri 63105

Counsel for ALTS:
Jonathan E. Canis
Swidler & Berlin, Chartered
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 944-4300

Dated: August 3, 1992
D43494/

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August 1992,
copies of the aforementioned MOTION FOR EXTENSION OF TIME were
sent via hand-delivery to the following:

Cheryl A. Tritt, Chief
Common Carrier Bureau
Federal Communications
Commission
1919 M Street, N.W.
Room 500
Washington, D.C. 20554

Gregory J. Vogt, Chief
Tariff Division
Federal Communications
Commission
1919 M Street, N.W.
Room 518
Washington, D.C. 20554

Mary L. Brown
Deputy Chief
Tariff Division
Federal Communications
Commission
1919 M Street, N.W.
Room 518
Washington, D.C. 20554

Colleen Boothby
Associate Chief
Tariff Division
Federal Communications
Commission
1919 M Street, N.W.
Room 518
Washington, D.C. 20554

Judith A. Nitsche, Chief
Tariff Review Branch
Federal Communications
Commission
1919 M Street, N.W.
Room 518
Washington, D.C. 20554

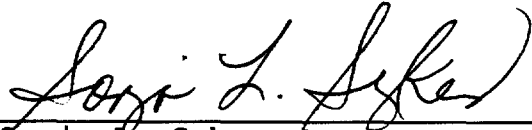
Ann H. Stevens, Chief
Legal Branch
Federal Communications
Commission
1919 M Street, N.W.
Room 518
Washington, D.C. 20554

Mark Uretsky
Tariff Division
Federal Communications
Commission
1919 M Street, N.W.
Room 518
Washington, D.C. 20554

Roxanne McElvane, Esq.
Tariff Division
Federal Communications
Commission
1919 M Street, N.W.
Room 518
Washington, D.C. 20554

Downtown Copy Center
Federal Communications
Commission
1919 M Street, N.W.
Room 246
Washington, D.C. 20554

Gail L. Polivy, Esq.
Counsel for GTE
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036



Sonja L. Sykes